WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 3093 of 2026
and CMP No.13359 of 2026

CNR: {HCMA011156002026}

Case QR

Parthiban
S/o.Gurumoorthi,

..Petitioner(s)

Vs

Yugareka
W/o.Parthiban,

..Respondent(s)

Prayer:

Petition filed under Article 227 of the Constitution of India, to allow the revision petition and strike off the main petition in DVC.No.37 of 2026 on the file of the Mahila Court, Puducherry.

For Petitioner(s): Mr.R.Gururaj

For Respondent(s): Mr.K.Sasindran

ORDER

This Civil Revision Petition has been filed under Article 227 of Constitution of India to strike off the petition in DVC.No.37 of 2026, on the file of the Mahila Court, Puducherry. According to the petitioner, the proceedings is

https://www.mhc.tn.gov.in/judis

WEB COPY

a clear abuse of process of law and has been initiated only to harass the petitioner. The petitioner has filed divorce proceedings against the respondent in HMOP No.45 of 2024, pending on the file of Family Court, Cuddalore.

2. The issue raised in the present petition is squarely covered by the Judgment of the Full Bench of this Court in ***Arul Daniel and others v. Suganya and others [2022 (6) CTC 833]***. The grievance expressed by the petitioner can be worked out in line with the guidelines issued in paragraph No.76(ix) of the aforesaid judgment and for proper appreciation, the same is extracted hereunder:

> "76 (ix) In *Kunapareddy* (cited supra), the Hon'ble Supreme Court upheld the Order of a Magistrate purportedly exercising powers under Order 6, Rule 17 of the Civil Procedure Code, 1908 (hereinafter referred to as "C.P.C."), to permit the amendment of an Application under Section 12 of the D.V. Act. Taking a cue therefrom, it would be open to any of the Respondent(s), at any stage of the proceeding, to apply to the Magistrate to have their names deleted from the array of Respondents if they have been improperly joined as parties. For this purpose, the Magistrate can draw sustenance from the power under Order 1, Rule 10(2) of the C.P.C. A judicious use of this power would ensure that the proceedings under the D.V.Act do not generate into a weapon of harassment and would prevent the process of Court from being abused by joining all and sundry as parties to the lis."

3. The Full Bench made it very clear that an order under Article 227 of the Constitution of India striking off the proceedings will be passed only in cases where the Magistrate suffers from a patent lack of jurisdiction. That is not the case here and the grievance expressed by the petitioner can be dealt with by the Court below which the Domestic Violence proceedings are pending.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. In the considered view of this Court, the grievance that has been expressed by the petitioner can be worked out before the Court below since the petitioner is the husband.

5. This Civil Revision Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

04-11-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
kp

To

Mahila Court, Puducherry.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH, J.

KP

CRP No. 3093 of 2026

04-11-2026

https://www.mhc.tn.gov.in/judis